

DECISION

Case number: NDR163-25
Applicant: Fiona Young-Moir
Respondent: Robert Geoffrey Jameson
Before: Member Poteri
Date: 8 September 2026
Proceeding type: Tribunal Hearing
Initiating document: Application for reopening, correction, renewal or amendment filed 21 July 2026

It is noted that the applicant, Fiona Young-Moir, made an application dated 21 July 2026 to correct the consent order made by me in NDR163-25 on 17 July 2026.

The application to correct the order was made pursuant to s 138 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld).

On 8 September I heard the application and the applicant and the respondent, Robert Geoffrey Jameson, appeared by teams.

After hearing from the parties, I accept that a correction is required to order 1. Further, an amendment is required to order 2 to clarify that the respondent's contractor can have access to the applicant's land to carry out maintenance and removal of the palm fronds.

Accordingly, I have corrected and amended the order as detailed below.

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The respondent must properly maintain and remove any palm fronds and any seed pods of the 6 subject palm trees situated on the applicant's land, that are in danger of falling on the property of the applicant.
2.
 - a) The respondent must undertake regular maintenance and removal, as required, with such maintenance and removal to take place on or before 31 July 2026 and thereafter at 6 monthly intervals for a period of 10 years.
 - b) The applicant agrees to grant access to her property for the respondent's contractor to undertake the regular maintenance and removal referred to in this order provided that the respondent must give the applicant 48 hours' notice in writing that such access is required.
3. The respondent shall be responsible for the cost of the maintenance and removal. However, the applicant must pay the sum of \$500 per annum to the respondent as a contribution to the cost of maintenance and removal of the palm fronds and the seed pods. The first payment must be paid on or before 4pm on 31 July 2026, with each subsequent yearly payment being made on or before 31 July each year for a period of 10 years.
4. If the respondent fails to undertake any of the maintenance and removal work as outlined in Orders 1 and 2 hereof ("Incomplete Work") the applicant shall be entitled to undertake any Incomplete Work on the giving of 14 days' notice in writing to the respondent. If this occurs, then the applicant's elected contractor shall be entitled to enter the respondent's land and carry out any of the Incomplete Work.
5. If the respondent undertakes all of the Incomplete Work prior to the expiration of the 14 days' notice period as outlined in Order 4 hereof, the applicant's and/or the applicant's contractor's entitlement to enter the respondent's land is extinguished.

6. Any costs incurred by applicant in engaging a contractor to undertake any of the Incomplete Works in default of the respondent undertaking such Incomplete Works shall be recoverable from the respondent as a debt without further notice being required to be given by the applicant to the respondent.

Signed

A circular seal of the Queensland Civil and Administrative Tribunal (QCAT) is visible in the background. The seal contains the text "ADMINISTRATIVE TRIBUNAL" at the top and "QUEENSLAND" at the bottom. Overlaid on the seal is a handwritten signature in dark ink.

Member Poteri
Queensland Civil and Administrative Tribunal